

### REMARKS

This responds to the Office Action mailed on January 15, 2008.

Claims 10 and 15 are amended, claims 1-9 are canceled, and claims 19-22 are added; as a result, claims 10-22 are now pending in this application.

#### Interview Summary

Applicant thanks Paul A. D'Agostino and John M. Hotaling for the courtesy of a personal interview on February 21, 2008 with Applicant's representative John I. Fischer. At the interview, the inventive concepts were discussed and clarified and potential claim amendments were discussed. In addition, a second personal interview was conducted on May 15, 2008 with Paul A. D'Agostino, John M. Hotaling, and John I. Fischer present, where proposed claims were discussed. In addition, a telephonic interview was conducted with Paul A. D'Agostino and Applicant's representative John I. Fischer, where a related co-pending application was discussed.

#### Information Disclosure Statement

Applicants submitted an Information Disclosure Statement and a 1449 Form on December 20, 2007. Applicants respectfully request that initialed copy of the 1449 Form be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner. Copy of 1449 form dated December 20, 2007 is enclosed.

§103 Rejection of the Claims

Claims 1-3, 5-8, 10-12 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,701,511 to Smith (Smith) of record in view of U.S. Patent No. 6,302,790 to Brossard (Brossard). Applicant has canceled claims 1-3 and 5-8 thereby obviating the rejection of these claims.

Concerning independent claims 10, and 15

Applicant respectfully submits that one or more elements of these independent claims are not disclosed by the cited references. In particular, Applicant cannot find in the cited portions of Smith or Brossard, any disclosure, teaching or suggestion of “storing an audio file associated with the wagering game in a memory structure, the audio file including a first data structure that defines a marker and a second data structure that defines an audio sequence” as presently required by claim 10 and similarly recited and required in claim 15.

Instead, Smith’s timing and command track 72 is not included in an audio file with the audio track 56 (as shown by FIG. 5 and explained in detail at col. 6, line 51 to col. 7, line 23). The combination of the timing and command track 72 and the audio track 56 is apparently what Smith is attempting to design around. As explained with specificity at column 1, lines 35-43 and at column 2, lines 20-60, Smith apparently uses two separate data streams, which are accessed from two separate files stored on a CD-ROM. One data stream includes an audio signal and the second stream controls the non-audio elements using “timing data that specify a plurality of temporal pairs.” The audio “stream of data comprises audio data, including either Redbook data, MIDI data, or WAV data.”

In contrast, Applicant’s implementation uses a single audio file, e.g., a Wave file, to store both the audio sequence and the audio markers (also referred to as cue points). Applicant has no need to keep track of a second file and does not recite a second stream of data, as Smith requires. Instead, the marker data is read from a data structure included within the audio file itself. This marker data, while previously only used for controlling audio sequence playback (e.g., looping), is expanded to control game-related events, as recited in Applicant’s claims.

In sum, because the cited portions of the references do not disclose or describe all of the subject matter of independent claims 1, 6, 10, and 15, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

*Concerning dependent claims 11-12 and 14, 16-17*

The dependent claims 2-3, 5, 7-8, 11-12 and 14, 16-17 depend from independent claims 1, 6, 10, and 15, either directly or indirectly, and accordingly incorporate the limitations of each of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

Claims 4, 9, 13 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,701,511 to Smith (Smith) of record in view of U.S. Patent No. 6,302,790 to Brossard (Brossard) and further in view of U.S. Patent No. 5,588,096 to Sato et al. (Sato). Claims 4 and 9 were canceled, thereby obviating the rejection with respect to these claims.

*Concerning dependent claims 13 and 18*

The dependent claims 13 and 18 depend from independent claims 10 and 15, either directly or indirectly, and accordingly incorporate the limitations of each of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2134 to facilitate prosecution of this application.

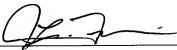
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 16 June 2008

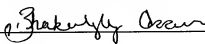
By

  
John I. Fischer  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of June 2008.

Zhakalazky M. Carrion

Name

  
Signature